



STAFF REPORT

VACATION APPLICATION:

Trapper's Ridge PUD

Prepared February 26 for the March 9, 2015
Board of County Commissioners Public Hearing

OWNER: ACTION INVESTORS

APPLICANT: Teton County, ID

REQUESTS:

Teton County, ID is applying to vacate the entitlements for the Trapper's Ridge PUD recorded in 2009. The development agreement states that the improvements shall be commenced within two years of the recording date (June 23, 2009) and completed within one (1) year of commencement. To date, improvements have not been started, putting the developer in breach of contract. Because of this lack of performance, the County is applying to vacate the entitlements to this subdivision.

CODES:

Teton County Subdivision Ordinance Section 9-3-2 (D-2-n) Revocation by Board of County Commissioners. *The Board of County Commissioners may revoke a subdivision or Planned Unit Development upon failure to comply with the conditions of approval of a final plat or subdivision extension, upon the violation of any of the provisions of this Title, or for misrepresentations or material omissions made to the Planning Commission or to the Board of County Commissioners. (amd. 9-17-09)*

Teton County Subdivision Ordinance Section 9-7-1- Vacations of plats, easements, rights-of-way; lot consolidations and amendments to recorded subdivisions documents (2011-08-11).

LEGAL DESCRIPTION:

A part of the south east ¼ of Section 33
Township 6 North, Range 44 East

LOCATION: approx. 5000 N 8000 W – West of the City of Teton

PROPERTY SIZE: 78 acres, 25 lots

ZONING: Underlying zoning is A-20.

OVERLAYS: None

BACKGROUND INFORMATION

On May 9, 2011, the Board of County Commissioners sent, via certified mail, a letter to the owner of Trapper's Ridge PUD informing them that because of the lack of performance of subdivision improvements, the County would be applying to vacate the subdivision entitlements on this property. The County, therefore, is applying to vacate the subdivision entitlements based on a lack of performance of the development agreement contract on the part of the developer, i.e. they have not started or completed the infrastructure improvements outlined in the development agreement.

VICINITY MAP

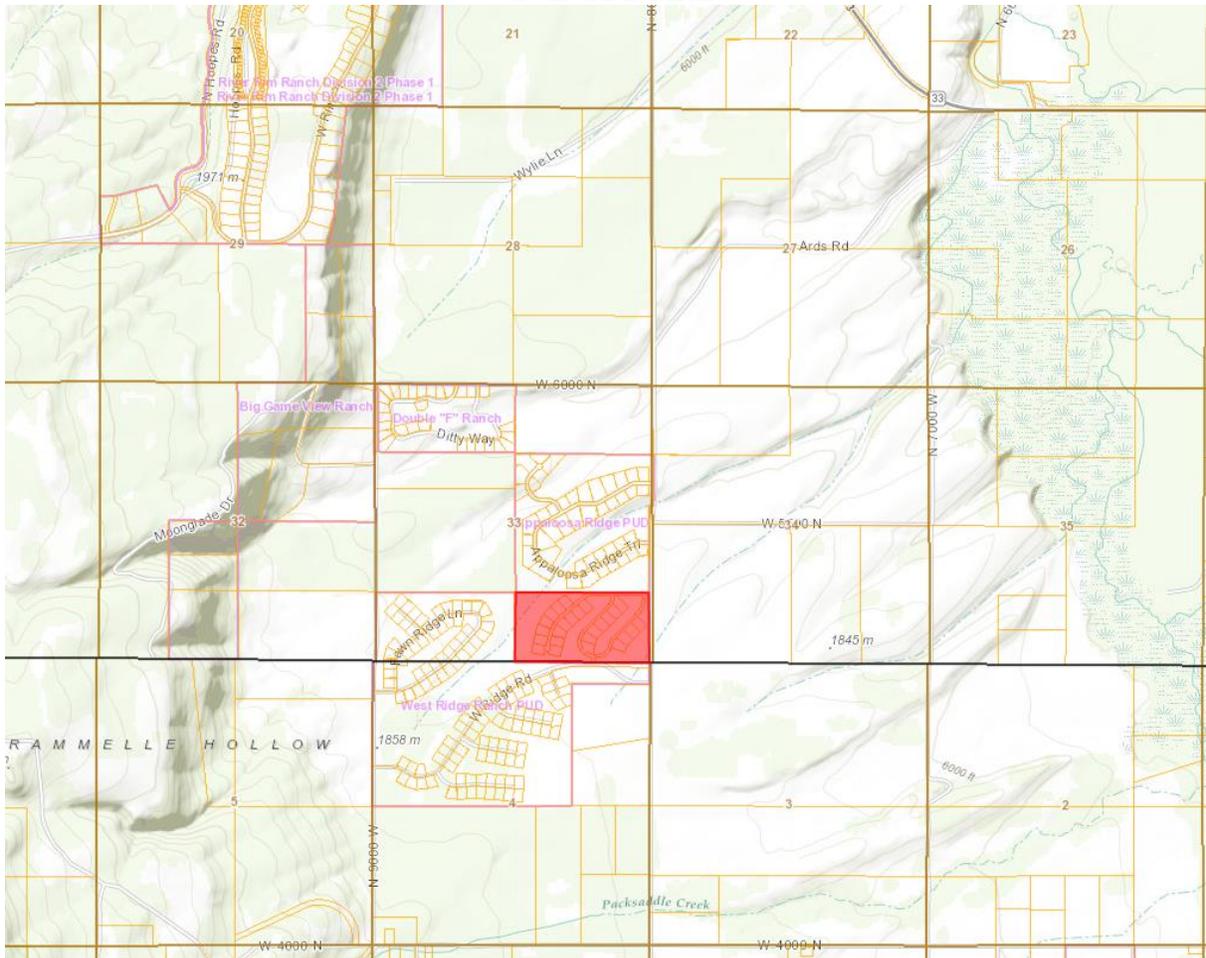


Figure 1: Trapper's Ridge PUD Vicinity Map

STAFF ANALYSIS

It is the planning staff's opinion that vacating the current subdivision entitlements is in the public's best interest. Currently this PUD has no access to water. It was originally supposed to be part of a community system with Appaloosa Ridge PUD, and Westridge Ranch PUD. It is our understanding that the shared water system agreement has been revised so that Trapper's Ridge is no longer part of the agreement. Also, by vacating this PUD it will reduce the number of paper lots in Teton County, which due to the large number of paper lots, may be decreasing market values County-wide. The owner is free to come back to the County at any time to re-apply for subdivision entitlements under the then-current ordinance. This vacation application stems from the lack of performance on the developer's part in not upholding his end of the development agreement and cannot be considered a taking.

I did speak to the land owner (Richard White) of this development as well. He stated that there was no desire to move forward with the previously approved development. I also informed him that he would not be able to utilize the property for a house for himself with it being platted and the improvements not being complete. He was aware the county was moving forward with the vacations of developments in the county and was okay with the vacation of Trapper's Ridge.

COMPLIANCE WITH: TETON COUNTY'S COMPREHENSIVE PLAN- A VISION & FRAMEWORK 2012-2030

Agriculture & Rural Heritage:

Goal ARH 1:Policy 1.2: Encourage vacation of subdivision plats where appropriate and viable.

Staff response: This PUD has had a notice of non-compliance filled against is for nearly 3 years. There has been no movement to complete the items agreed to in the Development Agreement, and The original approval hinged on a shared water system, which is no longer an option for this PUD.

CONSISTENCY WITH THE APPLICABLE TETON COUNTY SUBDIVISION CODE

Teton County Title 9, the Subdivision Ordinance, does not outline criteria for approval for a plat vacation. It does, however, state that “the Board of County Commissioners may revoke a subdivision or Planned Unit Development upon failure to comply with the conditions of approval...” This provision has been in the Teton County Subdivision Code since 1994. Clearly, the developer has failed to comply with the conditions of the approval, as outlined in the development agreement that was recorded on June. 23, 2009.

PUBLIC NOTICE:

1. Legal ads were made to the Teton Valley News in accordance with local and state requirements.
2. A development notification was mailed to the landowner, the landowners within 300 feet and to those who own land within subdivisions within 300 feet of the subject property.

COMMENTS FROM NOTIFIED NEIGHBORS AND GENERAL PUBLIC

Anna Trentadue- see attached email

FINDINGS OF FACT:

1. The Teton County Title 9 Subdivision Ordinance allows for the “revocation” of entitlements upon failure to comply with the conditions of approval of a subdivision.
2. The developer is in breach of the development agreement by not having complied with the conditions of approval of the subdivision.
3. The elimination of these subdivision entitlements would not cause harm to the residents of Teton County.

BOARD ACTION:

- A. APPROVE the vacation as presented.
- B. APPROVE WITH CONDITIONS, which are enumerated in this staff report, and others the Board might add.
- C. DENY the vacation application and provide the reasons and justifications for the denial.
- D. CONTINUE consideration of the application to a future public hearing with reasons given as to the continuation or need for additional information.

PLANNING STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve the Trapper's Ridge PUD vacation application based on the fact that the developer is in breach of contract and the original conditions cannot be met.

POSSIBLE MOTION:

Action A: A motion that references the required findings in the code that this vacation application is appropriate. Here is a suggested motion that could be used to approve the vacation.

I move to APPROVE the Trapper's Ridge PUD vacation. We have determined that the procedural requirements for the vacation have been satisfactorily met and that the included findings of fact support this vacation application.

Report prepared by Planning Administrator- Jason Boal

Attachments:

- Notice of Non-Compliance
- Development Agreement
- Master Plan
- Plat
- Email from Anna Trentadue